

Federal Agencies



United States Department of the Interior

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RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: KELT-398 RECEIPT # SEP 10 2001
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SEP 04 2001

Gene Lynard
Project Environmental Lead
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

Re: Kangley-Echo Lake Transmission Line Project (FWS Reference #1-3-01-1-2032)

Dear Mr. Lynard:

This letter is in response to the final biological assessment (BA) for the Kangley-Echo Lake transmission line project and the Draft Environmental Impact Statement (DEIS). The review period for comments on the DEIS has been extended to September 4, 2001. The BA and accompanying letter requesting informal consultation was received in our office on July 23, 2001.

After reviewing the BA for this project, the U.S. Fish and Wildlife Service has concluded that we do not concur with the determination that the proposed action "may affect, but is not likely to adversely affect" the northern spotted owl.

The Service believes that the proposed action has the potential to adversely affect the northern spotted owl. The following outlines the basis for our determination:

- | | |
|---------|--|
| 398-001 | 1. The project will result in the permanent removal of mature forest habitat. The stands are currently potential foraging and roosting habitat for owls (>80 yrs old). Owls have been documented using forests of this age near the project location. Under the Seattle City Light Habitat Conservation Plan (HCP), these stands would have developed into potential nesting habitat in the near future. |
| 398-002 | 2. The proposed action will degrade the quality of remaining owl habitat adjacent to the power line corridor. Widening the corridor may impact some smaller patches of forest to such an extent that they are completely affected by edge. The effects |

398-001, -002, and -003 The trees that would be impacted do not currently have owls in them, and the Proposed Action would minimize the impacts to the extent practicable. BPA is using approved protocols to survey for spotted owls during the nesting period for the species. No owls have been found to date.

Adding all forest impacts together, the total still represents a very small percentage (1/10 of 1 percent) of that type of habitat that will remain available for spotted owl use within the HCP. BPA would mitigate for adverse impacts. BPA has consulted with USFWS on potential effects to the northern spotted owl, and will conclude that consultation prior to project construction. Additional information on consultation is found on page 5-2 of the SDEIS. An updated description of potential impacts to the northern spotted owl is found in Sections 4.7.2 and 4.7.3 of the SDEIS.

2-6 398-002 of the proposed action on interior forest habitat may impact the amount of suitable nesting habitat in the future.

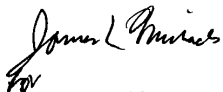
398-003 3. The project will widen the utility corridor by an additional 150 feet, effectively doubling the width of the opening along the 9 mile stretch. Research has documented that spotted owls are highly susceptible to predation by great horned owls, particularly when crossing openings.

398-004 The BA and DEIS did not adequately address the increased risk of predation to spotted owls and the long-term effects of having a large gap that dissects an otherwise intact watershed. The assessment and DEIS should include an analysis of the effects of the proposed action on interior forest habitat and the impacts of large openings on forest-dependent species, addressing both short and long-term (>50 years) impacts. This information will be used to evaluate effects and to quantify incidental take of spotted owls resulting from the project.

398-005 The DEIS should also include an evaluation of land parcels of similar value that could be acquired in order to mitigate for the permanent impact to habitat in the Cedar River Watershed (specifically lands included in Seattle City Light's HCP) caused by the proposed action. Replacing forest habitat lost as a result of the proposed action will minimize impacts to listed species.

398-006 While addressing the information needs listed above, we recommend that the Bonneville Power Administration request initiation of formal consultation for this project. When the information is received, formal consultation can be initiated. If you have any further questions, please contact Martha Jensen at (360) 753-9000 or John Grettenberger at (360) 753-6044.

Sincerely,


 Ken S. Berg, Manager
 Western Washington Office

cc: Jones and Stokes, Bellevue (H. Tate)
 BPA, Communications, Portland

References

- Forsman, E., S. deStephano, M. Raphael, J. Gutiérrez. 1993. Demography of the Northern Spotted Owl. Studies in Avian Biology, No. 17. Fort Collins, Colorado.
- Forsman, E., E.C. Meslow, H. Wight. 1984. Distribution and Biology of the Spotted Owl in Oregon. Wildlife Monographs. The Wildlife Society.
- Gutiérrez, J. 1994. Changes in the Distribution and Abundance of Spotted Owls During the Past Century. Studies in Avian Biology, No. 15:293-300. Fort Collins, Colorado.

- 398-004 The Biological Opinion discusses the increased risk of predation to the spotted owl, and impacts to spotted owls were determined to be unquantifiable.
- 398-005 See response to Comment 340-002 for information about land purchased for compensatory mitigation. Site assessments that have been completed for some parcels have been given to SPU and the USFWS.
- 398-006 See response to Comments 398-001, -002, and -003.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10
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Seattle, WA 98101

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: <i>KELT-411</i>
RECEIPT DATE: OCT 02 2001 00-047-BPA

Reply to
Attn. of: ECO-088

September 26, 2001

Lou Driessen, Project Manager
Bonneville Power Administration - KC-7
P.O. Box 12999
Portland, OR 97212

Dear Mr. Driessen:

The Environmental Protection Agency (EPA) has reviewed the draft Environmental Impact Statement (EIS) for the proposed **Kangley-Echo Lake Transmission Line**. We are submitting comments according to our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA). Section 309 of the Clean Air Act directs the EPA to review and comment in writing on the environmental impacts of any major federal agency action.

BPA's preferred alternative proposes building a \$11.5 million, 500-kilovolt (KV), nine-mile transmission line near the community of Kangley in Central King County, parallel to an existing transmission line, then connecting with the existing Echo Lake substation. The Echo Lake sub station would be expanded by three acres to accommodate the new line at a cost of \$6.5 million. A total of 1.5 miles of new access roads would be built. One hundred fifty-two acres, including 84 acres of mostly Douglas fir, would be impacted by the project, which includes a 150-foot cleared right-of-way. The new line will improve system reliability in King County and enhance the delivery of power to Canada, required under the Columbia River Treaty of 1961.

BPA has said that under normal growth in demand, system instability could develop as early as the winter of 2002-2003. An outage on the existing line between Raver and Echo Lake substations could overload transformers in the Covington area during heavy use. According to the EIS, the amount of energy saved through conservation programs is not enough to defer the need for a new transmission line.

Four other alternatives (2, 3, 4A and 4B) are located east of the existing transmission line, requiring new rights-of-way and access roads. Alternative three requires the most new access roads, 6.4 miles, because the route is not next to an existing transmission line or right-of-way. All five options cross the Cedar River and the Cedar River Watershed.

Based on our review, we have rated this draft (EO-2) Environmental Objections - Insufficient Information. This rating and a summary of our comments will be published in the *Federal Register*.

411-001 Comment noted.

411-002 BPA disagrees with EPA over its assessment that the DEIS provides no information about the proposed project's impacts to the Cedar River Municipal Watershed. Chapter 4, Environmental Consequences, identifies impacts for each of the 14 resources identified, including the short-term impacts (construction), and long-term impacts (operation and maintenance). With regard to the City's newly adopted HCP, BPA disagrees with the EPA's assessment that the project "does not appear to comply" with the HCP, which allows no logging within the watershed. The City of Seattle's HCP for the Cedar River Municipal Watershed is a plan between the signatories, i.e., between the City of Seattle and the U. S. Fish and Wildlife Service and the National Marine Fisheries Service. The plan covers only actions by the City of Seattle, and does not disallow all logging within the watershed, only "commercial logging."

BPA's purpose is not to commercially log merchantable timber within the Cedar River Municipal Watershed, only to clear a right-of-way to construct a high voltage transmission line between the existing Shultz-Raver No. 2 Transmission Line near the community of Kangley and connect the line to the existing BPA Echo Lake Substation, nine miles north of the tap point. Removing trees to safely construct, operate and maintain the proposed transmission is incidental to constructing the power line. To replace the 1/10 of one percent of the forested habitat that would be converted to non-forest uses within the 90,546-acre Cedar River Municipal Watershed, BPA would acquire other lands that would be conveyed to SPU's landholdings to mitigate for this loss of forest habitat. See response to Comment 340-002. Additionally, BPA would undertake mitigation within the CRW to mitigate for altering forested wetlands and converting them to scrub/shrub wetlands.

411-001

Major Concerns

411-002 The EPA has serious concerns about the DEIS's adequacy. The draft provides no information about the transmission line's impacts to the Cedar River Watershed, the region's major drinking water supply and a source of water to 1.3 million people. The project does not appear to comply with the city of Seattle's Habitat Conservation Plan (HCP), which allows no logging within the watershed. The HCP also addresses Endangered Species (ESA) and natural resource issues. The city of Seattle has stated in a letter to BPA that "Seattle Public Utilities (SPU) will not accept any need to modify the HCP as a consequence of BPA's activities."

411-003 The language in the draft is confusing and contradictory. As an example, (summary, page 11) "Each of the alternatives would cross some fish-bearing streams. The fish resources in the study area include resident and anadromous species." However, another statement on the same page says, "Both chinook salmon and bull trout are potentially, though not likely, present in the streams crossed by each of the action alternatives." BPA should know this information and state it in the DEIS.

Purpose and Need and Range of Alternatives

411-004 We recommend that the purpose and need statement be presented briefly, specifying the need for the project (40 CFR 1502.13). Describe the need in one or two sentences. Then, if needed, to establish a contextual setting for the project, follow the need statement with a separate, in-depth background discussion. Avoid putting a laundry list of objectives in the purpose and need statement itself. Instead, discuss these other objectives later in the purpose and need section as additional benefits to be derived from the project.

411-005 The DEIS says that BPA will use four purposes to choose among the alternatives, including maintaining environmental quality, and minimizing impacts to the human environment through site selection and transmission line design. Please explain how environmental quality can be maintained when the proposed project, as well as the four other alternatives, go through a watershed.

411-006 We are concerned with constraints on alternatives because of the Purpose and Need statement. Chapter 2, pages 17 and 18, briefly discusses alternatives considered but eliminated. One alternative was dropped because the transmission line couldn't be taken out of service long enough to be rebuilt, and two others were dropped because of costs. The range of alternatives should be expanded to include a route around the west side of the Cedar River Watershed through the communities of Hobart and Ravensdale. BPA eliminated this route due to land costs and impacts to residents.

411-007 Question 2A in NEPA's Forty Most Asked Questions states that "section 1502.14 requires the EIS to examine all reasonable alternatives to the proposal. In determining the scope

411-003 These sentences have been changed to clarify the information and additional information was included in the SDEIS.

411-004 Comment noted.

411-005 Environmental quality includes both the natural environment and the built environment, together with the human environment. To maintain the environmental quality in a region, the health of the natural environment and the built environment needs to be protected. BPA is the federal power-marketing agency that markets power generated at federal dams and a nuclear power plant in the Northwest. This power is sold to public and private utility customers and direct service industries throughout the area. Electric power is needed by all modern societies to maintain and promote economic health of an area as well as to maintain human health and safety. BPA provides this public service as required by law, while minimizing any disturbance to the natural environment and meeting all applicable federal, state and local laws and regulations.

411-006 In response to this and other comments on the range of alternatives in the DEIS, BPA analyzed four alternatives outside of the CRW and explored the non-transmission alternatives in more detail in the SDEIS. See pages 2-20 through 2-52 of the SDEIS.

411-007 See response to Comment 411-006.

411-008 The EIS does clearly say what fish are thought to use each stream, and cites a relevant authority for each. Most of these fish distribution data are based on information in published databases, which are based on surveys by WDFW, King County and Seattle biologists. However, a detailed field survey is required to conclusively identify whether a stream is or is not occupied by a given species. We believe that such surveys are unnecessary for the purposes of this analysis. This is because the analysis presented in the DEIS assumed that all salmonids potentially present in each stream were in fact present, and impacts were evaluated in accordance with that assumption. Moreover, the act of performing those surveys would itself have a potentially high impact.

411-007 of alternatives to be considered, the emphasis is on what is “reasonable” rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.”

Environmental Consequences

BPA needs to clarify several statements in the Final EIS (FEIS) in the Environmental Consequences chapter.

411-008 ♦ The description of impacts to fisheries (Chapter 4-22) is confusing. According to the EIS, “Impacts would be greater in streams occupied by threatened, endangered, or sensitive species than if the streams were not occupied by such species.” The FEIS needs to say whether these streams have these species, and, if so, discuss whether the habitat will be degraded by these impacts. Please identify which streams have salmon species.

411-009 ♦ The proposed action would clear vegetation from more than a half mile (2,900 feet) of a potentially fish-bearing stream within the right-of-way (ROW). Please state whether this stream is fish-bearing or not, and clarify the amount of clearing to be done. Page 26 of the appendix says that the amount of clearing can't be confirmed at this time. The draft EIS (Ch. 4-36) says that impacts on stream temperatures are expected to be low because of the small area to be cleared. The EPA recommends that the FEIS include precise information on the extent of clearing necessary and discuss the cumulative impacts on soils and stream temperature (40 CFR 1508.25 (a) and (c)).

411-010 ♦ The BPA needs to clearly state which of three standards it intends to follow for protection of riparian and fisheries resources. In a discussion about removal of riparian vegetation, (Ch 4-25), the EIS names three regulatory standards approved by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service to ensure compliance with the Endangered Species Act (ESA). The standards are the Cedar River Watershed Habitat Conservation Plan (HCP) for the city of Seattle, the Washington Department of Natural Resources HCP and the Washington Forest Practices Rules. Depending on the type of stream, each standard differs on the width of buffers from streams.

411-011 Please clarify two statements about future transmission lines in the area. In the DEIS, (Chapter 2-14) says, “The No Action Alternative does not mean there would never be a need for future transmission projects, only that no line would be considered for construction in this general area in the near future.” However, in Appendix D, the Final Wetlands Technical Report, Page 22 under Cumulative Impacts says, “In the future, the transmission line ROW would be a logical choice for construction of other linear projects, including additional transmission lines, fiber optic cables, or pipelines. The decision to create a new corridor in this area could increase the likelihood of such proposals.”

411-009 The environmental analysis assumes that all streams that would be crossed are fish-bearing. Tall-growing vegetation would need to be cleared in the proposed right-of-way, including the riparian area of Deep Creek. Low-growing vegetation would be planted in the riparian area of Deep Creek to mitigate for the vegetation cleared to the extent possible.

411-010 In siting its transmission facilities, BPA uses information from the environmental process. It first tries to avoid sensitive resources. Where these resources cannot be avoided, the impacts are minimized. As for its purpose, BPA builds major electrical transmission facilities, i.e., high voltage power lines and substations and switching stations. Transmission lines, by necessity, are linear facilities, and as such have difficulty avoiding all sensitive resources, many of which are also linear in nature such as streams, and their associated riparian and wetland areas. BPA recognizes that local, state and federal agencies have adopted standards to protect sensitive areas, and BPA does meet these standards to the extent that it can. BPA would do so, however, only after designing its facilities to meet the National Electric Safety Code, and its own clearing criteria, so that it could safely and reliably construct, operate and maintain its electrical transmission system.

411-011 It is true that selection of the No Action Alternative at the conclusion of the environmental process does not mean that there would never be a need for future transmission projects, only that no power line would be considered in the general area in the near future. It is also true that the presence of any existing utility facility would be a logical choice for the siting of future proposals.

411-012 | Additionally, Ch.2-21 says that under the no action alternative there would be a high impact due to potential for transmission system collapse, brownouts and blackouts affecting a widespread Northwest population. It further states that a delay of the system expansion could mean higher future costs. The EPA recommends that these costs be explored and stated in the FEIS.

Protection of Listed Species and Their Habitats

411-013 | Several special status species, including the threatened chinook salmon and bull trout, under the Endangered Species Act (ESA) are "potentially" present in the streams crossed by each of the action alternatives. Three other species potentially in the streams include the Pacific lamprey and the river lamprey, (USFWS species of concern), and Coho salmon, a candidate for listing. In a separate ruling, the National Marine Fisheries Service (NMFS) also designated critical habitat for the chinook salmon, including all surface water accessible to the chinook, and riparian habitats necessary to support those surface waters.

411-014 | Other listed species known to occur within the project area are the northern spotted owl, northern goshawk, black swift, merlin, olive-sided flycatcher, and pileated woodpecker. Five species of bats potentially occur in the area.

411-015 | Please disclose the results of biological assessments and opinions (40 CFR 1502.25 (a)) in the FEIS. By doing this, the FEIS would demonstrate that the Endangered Species Act (ESA) procedures are being followed and that any listed species is being protected.

Water Quality

According to the EIS (Ch.4-17), the transmission line will cross the Cedar River, Rock Creek and three small tributaries of Rock Creek, the Raging River and two tributaries of the Raging River. At Rock Creek and its tributaries, the right-of-way clearing may remove all trees, exposing the creek to more direct sunlight, possibly causing a slight increase in water temperature.

411-016 | The antidegradation requirement under the Clean Water Act (CWA) applies to those streams where water quality standards are presently being met. These provisions prohibit degrading the water quality unless an analysis (which involves a public process) shows that important economic and social developments necessitate degrading water quality. The Washington State Department of Ecology (DOE) must be satisfied with the analysis and grant permission to lower, but not violate water quality. Please discuss how you will be in compliance with the antidegradation requirement.

Other Concerns

411-017 | **Roads:** BPA states that "precise road locations have not been defined." (Ch.2 -7)

411-012 BPA simply made an observation here that facilities "in the future" generally cost more than things have in the past, and that this is generally true for such things as land, materials and labor.

411-013, -014, and -015 BPA did prepare a biological assessment (BA) and submitted the document to the USFWS and the NMFS in July 2001. The USFWS has indicated to BPA that it could not concur in BPA's finding that the Proposed Action "May affect, but is not likely to adversely affect the northern spotted owl." As a result, BPA has prepared an addendum to the BA, addressing the FWS additional request for more information and submitted this information to the FWS along with a request to enter into formal consultation with them on this issue.

In January 2002, NMFS sent a letter to BPA concurring with its effect determination of "may affect, but not likely to adversely affect" for Puget Sound chinook and their designated critical habitat. This letter notified BPA that the NMFS was concluding section 7 consultation with BPA in accordance with 50 CFR 402.14 (b)(1). See Appendix U of the SDEIS and of the FEIS for copies of letters from NMFS. BPA's BA covered the impacts of the Proposed Action on federally-listed and candidate species only; therefore, a number of species listed in your letter were not addressed. These include the Pacific lamprey, river lamprey, northern goshawk, black swift, merlin, olive-sided flycatcher the pileated woodpecker, and five species of bats.

411-016 A number of mitigation measures designed to limit potential impacts to stream water quality are described in Sections 4.4.2.1 and 4.5.3.1 of the SDEIS. For example, where the line crosses the Cedar River (a public drinking source), BPA would double circuit the towers on either side of the river. This would avoid the need to do any clearing of vegetation within about 600 feet of either bank of the river. We are also avoiding filling any waters, including wetlands. BPA firmly believes that the designated use of the streams the project crosses will retain their designated uses. We do not anticipate that a use attainability analysis, the analysis you refer to, will have to be undertaken to change the designated use or water quality criteria for any streams in the project area. In short, we believe the project would comply with the state's anti-degradation policy.

411-017

However, the DEIS says that topographic maps, satellite images and ground reconnaissance were used to predict miles of new access roads. With these data sources, BPA should be able to define where roads will be built. The DEIS also states that new and existing access roads may cross streams, but that no bridges would be built (Ch.2-8). If not bridges, please identify in the FEIS what type of structures would cross streams and rivers.


411-018

Cultural resources: The FEIS should include details on tribal concerns (Muckleshoot, Snoqualmie and Sauk-Suiattle) about the impacts to cultural resources in the project area. None of the previously recorded cultural sites occur on or near (within 700 feet) of the project area, according to the DEIS. However, (Ch. 4-95) states that "there is a high probability of encountering prehistoric and historic cultural resources in the project area.

411-019

Hazardous spills: SPU says that no hazardous spills are acceptable in the watershed. The DEIS said that BPA would develop a spill prevention and contingency plan to avoid spills of hazardous materials in the watershed. However, that information should have been in the draft and needs to be in the FEIS.

Thank you for the opportunity to review this draft EIS. Please contact Val Varney (206) 553-1901 if you have any questions.

Sincerely,

 Judith Leckrone Lee, Manager
 Geographic Implementation Unit

411-017 Section 2.1.1.5 of the SDEIS was updated to include the most current information about access roads.

411-018 The commenter is correct, the DEIS does state this. Since the release of the DEIS, our cultural resources consultant completed a detailed survey of the project area. Also, the Muckleshoot Tribe Culture Committee representatives have indicated to BPA that they would like to have a cultural monitor to be present whenever any ground disturbing activities would take place associated with project activities. We will comply with this request.

411-019 BPA is working with SPU on the Storm Water Pollution Prevention Plan (SWPP). It will be completed and reviewed before construction if BPA decides to build Alternative 1. Additional information about the SWPP was included in the SDEIS.